REMARKS

This is in response to the Office Action of August 22, 2005 and the Advisory Action of October 26, 2005. With this response, claims 17, 18, 25, 26, 29, 31, 32, 34, 35, 37, and 39 are amended, claims 1-16, 21-24, 27, 28, 30, 33, 36, 38, and 40-42 are cancelled, new claims 43-45 are added and all claims 17-20, 25, 26, 29, 31, 32, 34, 35, 37, 39, 43-45 are presented for consideration and favorable action.

Applicant notes that in the Advisory Action, the Examiner cited McEwan as using an estimated first reflected pulse amplitude and cited column 8, line 66 to column 9, line 3 of McEwan. However, Applicant notes that McEwan does not show a threshold calculation module which is executable by a microprocessor system and which calculates a first threshold value as a function of the transmit pulse amplitude. This is not shown by the McEwan reference.

Turning now to the Office Action, independent claim 17 was rejected under 35 US § 103 based upon McEwan in view of Reddy and Innes. (See section 7 of the Office Action) It is respectfully submitted that the present invention as set forth in the pending claims, is patentably distinct from these references.

The present invention is directed to a radar level transmitter in which threshold(s) used to detect levels of materials in a container are calculated by a microprocessor in the level transmitter. This aspect of the present invention as set forth in claim 1 and is not shown or suggested by the references cited in the Office Action. For this reason the rejection should be withdrawn. Applicant notes that the cited references appear to simply show that it is known that the strength of a reflected microwave pulse will be related to the dielectric constant of the material. However, the references provide no indication that the threshold can be calculated by a radar level transmitter as set forth in the pending claims.

Furthermore, independent claim 17 states that the radar level transmitter receives information related to properties of the materials. The references cited by the Examiner do not discuss receiving such information. For this additional reason the rejection should be withdrawn.

Further still, independent claim 17 states that the threshold calculation is based upon received information related to properties of the material. Again, the references cited in the Office Action provide no such configuration.

For these reasons, it is believed that the rejection against independent claim 17, along with dependent claims 18-20, 25, 26, 29, 31, 32, 34, 35, 37, 39-41, and 43-45 should be withdrawn. Additionally, the Applicant notes that the dependent claims contain numerous configuration which, when read in the context of the claims from which they depend, are not shown or suggested by the references. These include calculations of a second threshold based upon properties of the materials, the calculation of dielectric parameters, calculation of a first threshold further based upon an attenuation factor and/or a range factor, calculation of a neutral threshold value, calculating a correction factor, calculating a third threshold, calculating the first threshold based upon a temperature, and receiving information related to the properties of the materials from an operator or from a two-wire loop.

In view of the above amendments and remarks, it is believed that the present application is in condition for allowance. Such action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: _____

Judson K. Champlin, Reg. No. 34,797
Suite 1400 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 334-3312

JKc:lrs